

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

PATRICK LEONARD TIERNEY;

CASE NO. 2:20-cv-01245-RSM

PLAINTIFF,

VS.

CARRINGTON MORTGAGE SERVICES,  
LLC; AZTEC FORECLOSURE  
CORPORATION OF WASHINGTON; and  
THE BANK OF NEW YORK MELLON, f/d/a  
THE BANK OF NEW YORK AS TRUSTEE  
FOR REGISTERED HOLDERS OF CWABS,  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2004-5.

ORDER FOR THE RELEASE OF FUNDS  
HELD IN THE COURT REGISTRY

DEFENDANTS.

This matter comes before the Court on a Stipulated Proposed Order presented by Plaintiff Patrick Leonard Tierney and defendant Carrington Mortgage Services, LLC (“Carrington”), by and through their respective counsel of record. Dkt. #115. This Order was filed on March 29, 2022, and the Court has not received notice from any other party of an intent to oppose.

**I. RECITALS**

WHEREAS: On July 17, 2020, Tierney filed suit against Carrington in King County Superior Court, Case No. 20-2-11324-7. On July 22, 2020, the superior court granted Tierney’s Motion for a Temporary Restraining Order. Bond was set at \$1,889.51, to be paid monthly into the superior court registry. Dkt. #4 at 222-226. The total principal amount of payments made into the superior court registry pursuant to the July 22, 2020 order is \$17,005.59.

WHEREAS: On August 18, 2020, Carrington removed the superior court action to this Court. Dkt. #1. On March 25, 2021, this Court granted Tierney’s Motion for Preliminary Injunction. Bond was set at \$1,889.51, to be paid monthly into the court registry. Dkt. #28. The

1 total principal amount of payments made payments into the federal court registry pursuant to the  
2 March 25, 2021 order is \$15,116.08.

3 WHEREAS: On February 8, 2022, the parties to this action entered into a settlement  
4 agreement pursuant to which the funds held in the state and federal court registries are to be  
5 released in full directly to Tierney.

6 WHEREAS: On March 28, 2022, this Court granted Tierney's Motion to Enforce the  
7 February 8, 2022 settlement and denied Carrington's Motion to Reopen the Case. Dkt. #114.

## 8 II. ORDER

9 Based upon the foregoing recitals, this Court hereby rules as follows:

- 10 1) The funds held in the King County Superior Court Registry under Case No. 20-2-  
11 11324-7 and in the US District Court for the Western District of Washington under  
12 Case No. 2:20-cv-01245-RSM are awarded in full to Plaintiff Tierney.
- 13 2) The clerk of the US District Court for the Western District of Washington is authorized  
14 and directed to draw a check on the funds deposited in the registry of this Court in the  
15 principal amount of \$15,116.08 plus all accrued interest, payable to Leonard Tierney.  
16 Tierney shall provide the mailing address to the Clerk's Office Finance Department by  
17 email.
- 18 3) Tierney is to file an application in the King County Superior Court for the release of  
19 funds held in that court's registry under Case No. 20-2-11324-7, pursuant to and  
20 consistent with this Order.

21 **IT IS SO ORDERED.**

22 Dated this 1<sup>st</sup> day of April, 2022.

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25 RICARDO S. MARTINEZ  
26 CHIEF UNITED STATES DISTRICT JUDGE